

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERALD SIMMONS,	:	CIVIL ACTION
Petitioner	:	
	:	
	:	NO. 08-5911
v.	:	
	:	
	:	
DAVID DIGUGLIELMO, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 27th day of August, 2009, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED
2. The petition for a writ of habeas corpus is DENIED with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/S/LEGROME D. DAVIS

LEGROME D. DAVIS, J